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REISSUE APPLICATION DECLARATION BY THE INVENTORS

Docket Number (optional)

100.568USR2

As a below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is described and claimed

In patent number 6,229,855, granted May 8, 2001, and for which a

Continuation reissue patent is sought of the invention entitled

ADAPTIVE TRANSMITTER FOR DIGITAL TRANSMISSION

the specification of which

☒ is attached hereto, including a preliminary amendment dated February 10, 2004.

☐ was filed on _____ as reissue application number _____
and was amended on _____
(if applicable)

We have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

We verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below: If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

This reissue application is based on an error in that the applicant and applicant's attorney failed to appreciate the full scope of the invention and thus claimed less subject matter than could have been claimed. The issued claims contain limitations that are not essential for practicing the broad teachings disclosed in the original application. Thus, this reissue application is intended as a broadening reissue.

In one example of this error, Applicant specified, in issued claim 9, evaluating continuously at least one transmission characteristic of the signal received at the first site to continuously control the transmitter of the first site to reduce crosstalk. The new claims presented in this reissue application do not require evaluating continuously at least one transmission characteristic of the signal received at the first site to continuously control the transmitter of the first site to reduce crosstalk and thus the claims provided have a broadened scope over the claims of the original patent.

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

| Name | Registration | Name | Registration |
|--------------------|--------------|------|--------------|
| Fogg, David N. | 35,138 | | |
| Powers, Jon M. | 43,868 | | |
| Ryan, Laura A. | 49,055 | | |
| Lundberg, Scott V. | 41,958 | | |

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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

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Full name of third joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.